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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,819	04/10/2001	Chung Nam Whang	2632-0142P	7521
2292	7590 02/07/2003			
	WART KOLASCH &	EXAMINER		
PO BOX 747 FALLS CHURCH, VA 22040-0747			UHLIR, NIKOLAS J	
			ART UNIT	PAPER NUMBER
			1773	
		DATE MAILED: 02/07/2003		
				4

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  Office Action Summary  Examiner Nikolas J. Uhir  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may its available under the provision of 37 CPR 1.13(6)) in no event, however, may a reply be emply fixed.  Extension of time may be available under the provision of 37 CPR 1.13(6)) in no event, however, may a reply be emply fixed.  Extension of time may be available under the provision of 37 CPR 1.13(6) in no event, however, may a reply be emply fixed.  Extension of time may be available under the provision of 37 CPR 1.13(6) in no event, however, may a reply be emply fixed.  Extension of time may be available under the provision of 37 CPR 1.13(6) in no event, however, may a reply be emply fixed.  Extension of time may be available under the provision of 13 CPR 1.13(6) in no event, however, may a reply be emply fixed.  Extension of time may be available under the provision of 13 CPR 1.13(6) in no event, however, may a reply be emply fixed.  Extension of time may a reply be defined under the provision of time of the provision of time of the provision of time of the provision of time or time defined under the provision of time or time defined under the provision of time or time or time defined under the provision of time or ti							
Examiner   Nikolas J. Uhlir   1773	,		Application No.	Applicant(s)			
Nikolas J Uhlir   1773   1774   1774   1775   1773   1774   1774   1775   177		Office Action Summer	09/828,819	WHANG ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Eathermore for any by a equalisation under the previouse of 3 CPR 1-136(b). In a event, however, may a roply be limely filled to the period for reply specified above in less tam thirty (30) eyry, a reply within the statutory minimum of bird (9) dyary will be considered timely.  If the period for reply specified above is less tam thirty (30) eyry, a reply within the statutory minimum of bird (9) dyary will be considered timely.  If the period for reply specified above is less than thirty (30) eyry, a reply with the statutory minimum of bird (9) dyary will be considered timely.  If the period for reply specified above, the maining above the reply and vit expires (10) dyary will be considered timely.  If the period for reply specified above, the maining above the specification to become ABANOOKED (33 U.S.C. § 133).  Any reply received by the Office state the finel for reply with by standar, cause the specification to become ABANOOKED (33 U.S.C. § 133).  Any reply received by the Office state the finel for reply with by standar, cause the specification to become ABANOOKED (33 U.S.C. § 133).  Any reply received by the Office state the finel for the reply and vit expired the standard of the communication.  Status  Status  Status  Ji Responsive to communication(s) filled on		Office Action Summary	Examiner	Art Unit			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION  Extensions of them may be ambiliared and or provided them of the communication of them and the mailing date of this communication.  If the period from may be ambiliared and or provided them of the communication or provided them and the mailing date of this communication.  If the period from may be ambiliared and or the communication or provided them and them are the stated to the communication.  If the period from reply aspected above, the maintime stantony period will apply and will expire SIX (8) MONTHS from the maining date of this communication, even if timely filed, may reduce timely.  If the period from the maining date of this communication, even if timely filed, may reduce timely.  Any ruphy received by the ordine tells than three montains after the mailing date of this communication, even if timely filed, may reduce timely.  Any ruphy received by the ordine tells than three montains after the mailing date of this communication, even if timely filed, may reduce timely.  Any ruphy received by the Cinci tells than three montains after the mailing date of this communication, even if timely filed, may reduce timely.  Any ruphy received by the communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4) Claim(s) 1-20 is/are allowed.  6) Claim(s) 1-20 is/are allowed.  7) Claim(s) 1-20 is/are allowed.  8) Claim(s) 1-20 is/are allowed.  8) Claim(s) 1-20 is/are allowed.  10) The drawing(s) filed on 1 is/are allowed.  11) The drawing(s) filed on 1 is/are allowed.  12) Claim(s) 1-20 is/are allowed.  13) The proposed drawing correction filed on 1 is/are. allowed.  14) Claim(s) 1				-			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 cFR 1.15(g). In or event, however, may a reply be limely filed  Extensions of time may be available under the provision of 37 cFR 1.15(g). In or event, however, may a reply be limely filed  If the period for reply is posted as the commander of the commander of the period for reply in the period for reply in the period for reply within the satistion yiminum of the third period. If the period for reply into the period for reply will be a statistion of the reply will be a statistion of the period for reply will be a statistic period will be applied to the period for reply will be a statistic period will be applied to the period for reply will be a statistic period will be applied to the period for reply will be a statistic period will be applied to the period for reply will be a statistic period will be applied to the period for reply will be a statistic period will be applied to the period for reply will be a statistic period for file and the period for formation period for reply will be a statistic period for file and the period for file and th	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  4)  The specification is objected to by the Examiner.  4pplication Papers  9)  The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Ratachements**		Responsive to communication(s) filed on					
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to.  8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Attachment(s)  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Attachment(s)  16) ▷ Notice of References Cited (PTO-892)  17) □ Notice of Draftsperson's Patent Drawing Review (PTO-948)							
5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☒ Claim(s) is/are objected to . 8) ☒ Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.         Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.         If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).         a) ☐ All b) ☐ Some * c) ☐ None of:         1. ☐ Certified copies of the priority documents have been received.         2. ☐ Certified copies of the priority documents have been received in Application No          3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  **Attachment(s)    Molice of References Cited (PTO-892)							
6   Claim(s) is/are rejected. 7   Claim(s) is/are objected to. 8   Claim(s) is/are objected to. 8   Claim(s) is/are objected to. 8   Claim(s) is/are objected to by the Examiner. 4   Application Papers 9   The specification is objected to by the Examiner. 10   The drawing(s) filed on is/are: a)   accepted or b)   objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11   The proposed drawing correction filed on is: a)   approved b)   disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120 13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)   All   b)   Some *c⟩   None of:  1.   Certified copies of the priority documents have been received. 2.   Certified copies of the priority documents have been received in Application No 3.   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.  14)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a)   The translation of the foreign language provisional application has been received.  15)   Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)   Interview Summary (PTO-413) Paper No(s)  20   Notice of References Cited (PTO-892)   Objected to the priority object of Draftsperson's Patent Drawing Review (PTO-948)   Object of Informal Patent Application (PTO-152)	_						
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## **DETAILED ACTION**

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## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1-5, drawn to a magnetic thin film, classified in class 428, subclass
 692.

 Claims 6-20, drawn to a method for making a magnetic thin film, classified in class 427, subclass 130.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product. For instance, the process as claimed could be used to form a magnetic thin film that contains a plurality of non-magnetic portions. This is evidenced by US Patent #6383597 to Fullerton, which treats a magnetic film with an ion beam to form non-magnetic regions in the film.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. A telephone call was made to Terry Clark on 1/28/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolas J. Uhlir whose telephone number is 703-305-0179. The examiner can normally be reached on Mon-Fri 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0389.

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nju January 30, 2002

> STEVAN A. RESAN PRIMARY EXAMINER

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